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June 16, 2022

VIA ECF

The Honorable Joan M. Azrack
United States District Court
Eastern District of New York
100 Federal Plaza, Rm 920
Central Islip, NY 11722-4451

Re: *William Quintanilla, on behalf of himself, FLSA Collective Plaintiffs and the Class Members, v. Pete's Arbor Care Services, Inc. and Peter Fiore, individually*
United States District Court for the Eastern District of New York
19-CV-6894 (JMA) (ARL)

Dear Honorable Judge Azrack,

We represent Plaintiff William Quintanilla ("Mr. Quintanilla" and/or "Plaintiff") in the above referenced matter. We write to address Your Honor's most recent Order dated June 2, 2022 to serve documents that were previously submitted alongside Plaintiff's motion for summary judgment, pursuant to Your Honor's bundling rule. (Dkts. 46-49).

Pursuant to Dkt. 43, Your Honor set forth a briefing schedule regarding Plaintiff's motion for summary judgment. Plaintiffs moving papers were to be served by 1/21/2022, response to be served by 2/11/2022, and the reply was due on 2/25/2022. Plaintiff satisfied their deadlines despite obstacles including Defendants' broad-sweeping designation of material exhibits, motions, and statements as "confidential," impeding Plaintiff's ability to file these documents on ECF, and failure to provide a Courtesy Copy. Additionally, while Defendants filed a cross-motion for summary judgment in their opposition papers to Plaintiff's motion without permission from the Court without seeking a briefing schedule, Plaintiff, in their Reply papers, also opposed Defendants' cross motion. While Plaintiff initially asked the Court to deny Defendants cross-motion, Plaintiff did end up opposing it and filing the same on ECF. Plaintiff did so in abundance of caution because he had not heard back from the Court with a ruling and did not want to lose out on the opportunity to oppose the cross-motion. Thus, Plaintiff's motion for summary judgment, and Defendants cross-motion has been fully briefed since February 25, 2022. Further, Your

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Honor has a courtesy copy of this motion which was shipped on February 25, 2022 at great expense because of the voluminous page count of the motion and exhibits.

Accordingly, Plaintiff seeks clarification of the June 2nd Order. Since Defendants have already filed their cross motion for summary judgment, and Plaintiff has already opposed it, allowing a resubmission creates an unfair advantage to Defendants. It also poses an undue burden on Plaintiff. We have already spent significant time in a short time-frame of the reply deadline to oppose the cross-motion. To have to re-oppose now, and submit a cross motion for summary judgment (which was already - with permission from this Court - served) is simply unfair and imposes a heavy burden to essentially 're-do' our motion.

We are amenable to a telephone conference to address this issue, and clarify any questions this Court may have. We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,
PERVEZ & REHMAN, P.C.

/s/ Nadia M. Pervez

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cc: All Counsel of Record

